

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:13-CV-00698-GCM**

TAMMY RANDLE,	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
NELSON MACWAN	)	
P.N. FINANCIAL INC.,	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court *sua sponte*. Plaintiff filed this action against Defendants on December 19, 2013. (Doc. No. 1) The U.S. Marshall completed service on Defendant P.N. Financial Inc. on April 2, 2014 but was unable to serve Defendant Nelson Macwan. (Doc. No. 6, 7) Plaintiff moved for Entry of Default on January 1, 2015. (Doc. No. 15) On July 6, 2015, the Clerk entered a default as to Defendant P.N. Financial. (Doc. No. 16) Plaintiff has filed nothing else since that time, and it appears she has otherwise failed to prosecute this case in any way. On December 1, 2015, this Court ordered Plaintiff to show cause as to why her case should not be dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure. (Doc. No. 17) Plaintiff's response was due on December 8, 2015, and that date has passed.

Rule 41(b) provides that the Court may dismiss an action when the plaintiff fails to prosecute or comply with the Federal Rules of Civil Procedure or a court order. Dismissal for failure to prosecute operates as an adjudication on the merits. *Id.* Rule 55(c) allows the Court to set aside an entry of default for good cause. In this case, the Court finds that the Plaintiff's failure to prosecute her case provides cause for setting aside the Clerk's entry of default and dismissing Plaintiff's claims with prejudice.

**IT IS THEREFORE ordered** that this case is dismissed with prejudice. The Clerk of Court is directed to close this civil case.

Signed: December 10, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

